

**REMARKS**

This Amendment is submitted in response to the Office Action mailed on October 15, 2003. New claims 85-102 have been added, and claims 16-46 and 80-102 remain in the present application. Applicants note and appreciate Examiner's allowance of claims 31-46 and 80-84 and the indication of the allowability of claims 17, 19 and 22-25. In view of the foregoing amendments, as well as the following remarks, Applicants respectfully submit that this application is in complete condition for allowance and request reconsideration of the application in this regard.

Claims 16, 18, 20, 21 and 26-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fletcher, U.S. Patent No. 4,363,086. Applicants respectfully traverse these rejections and request that these rejections be withdrawn.

In particular, each of independent claims 16 and 26 recites the combination of a ballast housing and a wiring box, wherein the wiring box pivotally supports the ballast housing between inoperative and operative positions. As fully described in Applicants' disclosure, this claimed orientation of the wiring box and ballast housing provides a significant advantage during installation of the luminaire assembly which is not taught or suggested by the prior art of record. In particular, according to the principles of the present invention, the wiring box of the luminaire assembly may be shipped and installed prior to the ballast housing and optical

assembly. When the ballast housing and optical assembly are fully assembled and ready to be installed, they are pivotally supported by the wiring box in the inoperative position as shown in Fig. 5 to permit the necessary electrical connections to be made within the wiring box. Thereafter, the ballast housing and optical assembly are pivoted upwardly and secured in the operative position when the fastening member is fully fastened.

In contrast to the presently claimed invention, Fletcher is directed to a luminaire having an upper ballast housing (10) and a lower slipfitter housing (5). In the luminaire assembly of Fletcher, the ballast housing (10) pivotally supports the slipfitter housing (5). During installation of the Fletcher luminaire, the ballast housing (10) and mounting plate (8), with electrical ballast and other electrical components attached thereto, are mounted on the support pipe "P". Thereafter, the slipfitter housing (5) and optical assembly (1) are suspended from the mounting plate (8) and ballast housing (10).

Accordingly, Fletcher discloses an opposite orientation of the ballast housing and wiring box as claimed by Applicants in each of independent claims 16 and 26 and there is no motivation provided by Fletcher taken alone, or in combination with the other prior art of record, to arrive at Applicants' claimed invention absent improper hindsight. Applicants claimed combination of the ballast housing and wiring box, and the claimed orientation thereof, simplifies the installation of luminaire assemblies which is not taught or suggested by the prior art

of record. Accordingly, Applicants respectfully submit that the rejections of independent claims 16 and 26 should be withdrawn.

Moreover, as claims 17-25 and 27-30 depend from allowable independent claims 16 and 26, respectively, and further as each of these claims recites a combination of elements not taught or suggested by the prior art of record, Applicants respectfully submit that these claims are allowable as well.

Applicants have rewritten allowable dependent claim 17 in independent form as new independent claim 85 and allowable dependent claim 19 has been rewritten in independent form as new independent claim 94. Applicants respectfully submit that new claims 85-102 are allowable over the prior art of record.

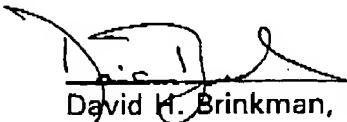
#### Conclusion

In view of the foregoing response including the amendments and remarks, this application is submitted to be in complete condition for allowance and early notice to this affect is earnestly solicited. If there is any issue that remains which may be resolved by telephone conference, the Examiner is invited to contact the undersigned in order to resolve the same and expedite the allowance of this application.

If any additional fee is required to complete this communication, please charge Deposit Account No. 23-3000.

Respectfully submitted,

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